

**HLD-44 (January 2007)**

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

---

No. 06-4187

---

JOHN BAX,  
Appellant

vs.

WARDEN FCI MCKEAN

---

On Appeal From the United States District Court  
For the Western District of Pennsylvania  
(D.C. Civ. No. 05-cv-00194)  
District Judge: Sean J. McLaughlin

---

Submitted For Summary Action Under Third Circuit LAR 27.4 and I.O.P. 10.6  
January 19, 2007

Before: SCIRICA, Chief Judge, WEIS AND GARTH, Circuit Judges

---

**JUDGMENT**

---

This cause came on to be heard on the record from the United States District Court for the Western District of Pennsylvania and was submitted for summary action under Third Circuit LAR 27.4 and I.O.P. 10.6. On consideration whereof, it is now hereby

ORDERED AND ADJUDGED by this Court that the judgment of the


District Court entered August 22, 2006, and the order denying reconsideration entered September 6, 2006, are hereby affirmed.

All of the above in accordance with the opinion of this Court.

ATTEST:

/s/ Marcia M. Waldron  
Clerk

DATED: 31 January 2007

The seal of the United States Court of Appeals for the Third Circuit is circular. It features an eagle with spread wings perched atop a shield. The shield is divided into sections, with a constellation of stars in the upper left. The words "UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT" are inscribed around the perimeter of the seal.  
**Certified as a true copy and issued in lieu  
of a formal mandate on** March 26, 2007  
**Teste:** *Marcia M. Waldron*  
**Clerk, U.S. Court of Appeals for the Third Circuit**